

**REMARKS**

**Summary Of The Office Action & Formalities**

Claims 1-13 are all the claims pending in the application. By this Amendment, Applicant is canceling claim 2, amending claims 1, 9, 10, 11, and 12, and adding new claims 14-17. No new matter is added.

Submitted herewith is an Excess Claim Fee Calculation Letter with fee.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

**Applicant is submitting herewith form PTO/SB/08 so that the listed documents will be printed on the face of any issued patent from this Application. The documents listed on the attached form have already been considered by the Examiner as confirmed at page 2 of the Office action.**

Claims 9 and 12 are objected to for minor reasons that are corrected by this Amendment.

Claims 1-7, 9-10 and 12-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for a minor reason that are also corrected by this Amendment.

The prior art rejections are summarized as follows:

1. Claims 1-7, 9 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Macquire-Cooper (USP 3,977,575).
2. Claims 10 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Macquire-Cooper (USP 3,977,575) in view of Di Giovanni (USP 5,169,038).

Applicant respectfully traverses.

**Claim Rejections - 35 U.S.C. § 102**

*1. Claims 1-7, 9 and 12 In View Of Macquire-Cooper (USP 3,977,575).*

In rejecting claims 1-7, 9 and 12 in view of Macquire-Cooper (USP 3,977,575), the grounds of rejection state:

Macquire-Cooper discloses a fluid dispenser device designed to be mounted on the neck of a receptacle (20) (col. 6, ll. 33-34), which comprises a dispensing member (1), fixing means for fixing the dispensing member to the neck of the receptacle (col. 6, ll. 33-42), the dispensing member comprises a body (2) whose top end is provided with a collar (7) that projects outwards as seen in Figures 1-2, the fluid dispenser device being characterized in that the fixing means comprise a substantially cylindrical ring (23) engaged on the body under the collar as seen in Figures 6-7, the ring being in peripheral leaktight contact with the body by being radially clamped thereon (col. 7, ll. 6-16), the ring is extended at its bottom end by a radial flange (22) serving to come into abutment against the neck of the receptacle as seen in Figure 4.

With respect to claim 2, Macquire-Cooper discloses that the ring defines a top end in abutment under the collar as seen in Figures 6-7.

With respect to claims 3,5-6, Macquire-Cooper discloses that the body also forms at least one outwardly-projecting bulge (8,31) situated below the collar as seen in Figure 2, the ring being disposed between the collar and the at least one bulge so that the ring is locked therebetween (col. 6, ll. 33-68 onto col. 7, ll. 1-39).

With respect to claim 4, Macquire-Cooper discloses that the ring is of height slightly greater than the distance between the bottom face of the collar and the foot of the bulge as seen in Figure 6.

With respect to claim 9, Macquire-Cooper discloses that the free top end of the ring is provided with an inside bevel (25) to make it easier for the ring to pass over the bulge as seen in Figure 5.

Office Action at page 4. Applicant respectfully traverses for at least the reasons stated below.

Macquire-Cooper does not disclose that the free top end of the ring is in abutment under the collar. Macquire-Cooper discloses that the free top end of the ring is crimped about the neck of container. The ring does not form a free end at the level where it leaves the valve body.

Therefore, amended claims 1 is allowable over Macquire-Cooper, and the Examiner is kindly requested to reconsider and withdraw the rejection of claim 1 and its dependent claims.

Claim 9, rewritten in independent form, is also allowable over Macquire-Cooper, because Macquire-Cooper does not disclose a free top end as recited in this claims.

The Examiner has not specifically addresses the novelty of claim 12, and, therefore, claim 12, rewritten in independent form is believed to be valid on this basis as well.

**Claim Rejections - 35 U.S.C. § 103**

*1. Claims 10 And 13 Over Macquire-Cooper (USP 3,977,575) In View Of Di Giovanni (USP 5,169,038).*

In rejecting claims 10 and 13 over Macquire-Cooper (USP 3,977,575) in view of Di Giovanni (USP 5,169,038), the grounds of rejection state:

Macquire-[Cooper] has taught all the features of the claimed invention except that a gasket being interposed against the neck of the receptacle. Di Giovanni teaches the use of a gasket (9) in a fluid dispenser (), where the gasket being interposed against a neck (10) of a receptacle (11), the gasket contacts the body (1) as seen in Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Di Giovanni's gasket in between Macquire-[Cooper's] neck as taught by Di Giovanni in Figure 1, in order to provide adequate sealing between the container neck and the radial flange.

Office Action at page 5. Applicant respectfully disagrees.

The radial flange and crimping part in Macquire-Cooper extend from the top of the ring, the lower end of the ring being free.

The radial flange and crimping part in Di Giovanni extend from the bottom of the ring, the upper end of the ring being free.

It would not have been possible for one of ordinary skill in the art to combine these two documents teaching two mutually exclusive and opposed kinds of ring design. Rather, the skilled artisan, at most, would follow one design or the other. Therefore, claim 10, rewritten in independent form, and its dependent claims are believed to be patentable over Macquire-Cooper in view of Di Giovanni.

**New Claims**

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 14-17. Claims 14 and 15 are allowable at least by reason of their respective dependencies. Claim 16 recites an embodiment of Applicant's invention without means plus function language and is allowable for reasons similar to those stated above in support of claim 1. Claim 17 is allowable at least by reason of its dependency.

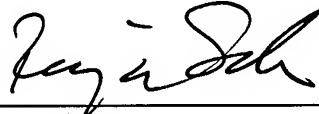
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/088,050

Attorney Docket No.: Q68978

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Raja Saliba  
Registration No. 43,078

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

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